

Sea Fisheries (Ireland) Bill.

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[Bill 168.]

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B I L L

TO

Promote the Irish Sea Fisheries.

A.D. 1882.

WHEREAS the promotion, improvement, and encouragement of the Irish fisheries are objects of great importance, not only to Ireland, but to the wealth and commercial prosperity and naval strength of the United Kingdom :

- 5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

1. This Act may be cited on all occasions and for all intents and purposes as the Deep Sea Fisheries (Ireland) Act, 1882. Short title of Act.

2. This Act shall, except as to any act herein-after required or authorised to be done before that day, come into operation on the first day of January one thousand eight hundred and eighty-three, the period herein-after referred to as the commencement of Act. Commencement of Act.

3. Immediately after the passing of this Act it shall be lawful for the Lord Lieutenant to nominate and appoint four persons, one from each province in Ireland, who, together with the present Inspectors of Fisheries in Ireland, shall be commissioners specially 20 for overseeing, directing, and improving the deep sea and coast fisheries of Ireland, to be called the Commissioners of Irish Sea Fisheries, with power to them, or any number of them, to execute or cause to be executed the provisions of this Act in manner herein mentioned. Lord Lieutenant may appoint commissioners for the Irish fisheries.

25 4. The Commissioners so appointed, and their successors appointed as herein-after mentioned, shall be incorporated by the name of the Commissioners of Irish Sea Fisheries, and shall by that name be capable of suing and being sued, they shall have a common seal, be capable of holding property, with all other the rights and powers 30 incident by law to bodies corporate.

[Bill 158.]

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Power to
appoint
officers.

5. For the purpose of carrying this Act into execution, it shall be lawful for the said Commissioners at any time after their appointment to appoint a secretary, and such clerks and other officers under them, (such secretary, clerks, and other officers being first approved of by the Lord Lieutenant or other chief governor or governors of Ireland for the time being,) as they the said Commissioners of Irish Sea Fisheries shall think fit: Provided always, that no appointment to any such office shall be made unless and until the Lords Commissioners of Her Majesty's Treasury shall have signified their assent to the proposal for making an appointment to such office, and of the salary proposed to be annexed to such office. 5

Commis-
sioners to
make reports
to the Lord
Lieutenant
and to Par-
liament.

6. The said Commissioners of Irish Sea Fisheries shall and they are hereby required to deliver or cause to be delivered annually, on or before *the first day of May* in every year, to the Lord Lieutenant or other chief governor or governors of Ireland for the time being, a full and accurate report of their proceedings for the year preceding; and shall also cause to be laid before both Houses of Parliament, within fourteen days after the sitting of each House next ensuing such first day of May, a copy of every such report. 15

Commis-
sioners to
hold office
during plea-
sure.

7. On the death, resignation, or removal of any of the said Commissioners, the Lord Lieutenant shall, by warrant under his hand and seal, appoint another person in the room of the Commissioner so dying, resigning, or being removed. 25

Power to
make bye-
laws.

8. At a meeting or meetings to be held as soon as conveniently may be after their appointment, the Commissioners shall frame rules and regulations for their meetings and the transaction of business; and such rules shall be the rules regulating all such matters: Provided always, that the Commissioners may at any time alter, vary, repeal, or add to such rules, or adopt other and different ones in their stead. 30

Committees
may be
appointed.

9. The Commissioners may by such rules, if they shall so think fit, direct that any portion of the business intrusted to them by this Act may be transacted by a committee of their body, to be appointed in such manner and acting in such manner as such rules may prescribe. 35

Power over
officers.

10. The Commissioners shall have power from time to time to prescribe and regulate the duties of all officers appointed by them, and to dismiss any of such officers, when they shall so think fit. 40

11. Nothing herein contained shall interfere with the power of the inspectors of Irish fisheries to make such regulations as they are by any statute empowered to do to regulate the taking of salmon in any of the estuaries or tidal waters in Ireland.

Inspectors of salmon fisheries preserved.

12. From and after the commencement of this Act all other power relating to the fisheries in the deep sea or in the estuaries or tidal waters on the coast of Ireland now vested in the inspectors of Irish fisheries shall be vested in and be exercised by the Commissioners under this Act; and, unless where it is otherwise hereby provided, the powers conferred by this Act shall be deemed to be in addition to and not in substitution for those hitherto exercised by the said inspectors of Irish fisheries, and all the provisions of the Acts at present in force in Ireland relating to the sea and coast fisheries shall remain in full force and effect for the purposes of this Act.

Powers of inspectors as to deep-sea fisheries vested in Commissioners.

13. Of the officers to be appointed by the Commissioners under the provisions herein-before contained, one at least shall be appointed for each province, to be called and known as the fishery officer for such district. The person so appointed shall reside within the district in such place as the Commissioners may appoint; he shall discharge all such duties as to the execution of this Act, and generally as to the inspection, improvement, and encouragement of the fisheries, as the Commissioners may direct; and he shall from time to time make to the Commissioners reports upon all matters connected with the fisheries within his district, and the improvement and encouragement of same, as the Commissioners may from time to time desire and direct.

Chief officer to be appointed for each district.

14. From and after the commencement of this Act, all the powers vested in the inspectors of Irish fisheries by the Irish Reproductive Loan Fund Act, 1874, shall be vested in and exercised by the Commissioners under this Act, with this addition, that, notwithstanding anything in that Act to the contrary, it shall be lawful for the Commissioners of Public Works in Ireland to advance by way of loan such amount not exceeding in the whole the amount standing to the credit of each county in any year as the Commissioners under this Act may from time to time recommend.

Commissioners to have charge of reproductive loan fund.

15. It shall be lawful for the Commissioners, with the approval of the Lord Lieutenant, from time to time to ordain such rules and regulations as may appear to them to be proper and expedient for the making of loans under this Act, and providing for the

Commissioners to make loans.

A.D. 1882.

security to be taken for same, the mode of repayment thereof, the ensuring that they shall be applied to the purposes for which they are intended, and all other matters connected with the loan; and it shall be lawful for them, if they shall so think fit, by such regulations to prescribe that such loans may be made for the erection 5 of curing houses, the providing of the means of transport of the fish caught, or for any purpose connected with the improvement of the fisheries, on such terms and conditions as may be thought fit, and it shall be lawful for the Commissioners to make such loans in accordance with such regulations out of any moneys that may be in 10 their hands for or applicable to such purposes.

Lord
Lieutenant
in Council
may sanction
rules for
supply of
boats and
gear to
borrowers
in lieu of
money.

16. In addition to any rules heretofore made or which may be made under this Act, the Commissioners, with the approval of the Lord Lieutenant in Council may make such further rules as may seem expedient to enable them to supply, in cases where they 15 may deem it expedient, to persons obtaining loans under the said Act and this Act, boats or fishing-gear in lieu of money; and on the certificate of the said Commissioners that such boats and gear have been supplied the Commissioners of Public Works may pay for such boats and gear instead of paying the money to the 20 borrowers, which shall be as effectually binding on the borrowers, so far as the liabilities or securities they may have entered into with the Commissioners of Public Works shall extend, as if such borrowers had received the actual value of such securities in money 25 instead of boats and gear.

Advances to
be made
out of
surplus of
Irish Church
Fund.

17. For the purpose of enabling the Commissioners to make loans in counties not enumerated in said Irish Reproductive Loan Fund Act of 1874, or to increase the amounts applicable to any of the counties in said Act, the Commissioners shall out of the property accruing to the Commission under the Irish Church Act, 1869, 30 when and as required by the Commissioners under this Act provide for the use of the Commissioners of Public Works, either in cash or in securities or rentcharges of an equivalent value, such amount not exceeding in the whole *thirty thousand pounds sterling*, as the Commissioners appointed under this Act shall estimate to be 35 required for the purposes of this Act.

Annual sum
to be ad-
vanced by
Treasury.

18. *For the purpose of enabling works to be undertaken for the erection of new fishery piers or boat slips or other works or the improvement of natural or artificial harbours, or the enlargement or improvement of existing piers, boat slips, or other works or 40 harbours, there shall be annually issued to the Commissioners of*

Public Works out of the growing produce of the Consolidated Fund a sum of ten thousand pounds to be by them applied as herein-after mentioned. A.D. 1882.

19. It shall be lawful for the said Commissioners of Public Works to apply the said sum, and such other sums as may come into their hands applicable to such purpose, in aid of the erection, improvement, and enlargement of such fishery piers, boat slips, or other works, and harbours as may be recommended by the Commissioners under this Act, either by way of grant or loan; and it shall be lawful for the Commissioners under this Act, with the approval of the Lord Lieutenant, to make such rules as they may think fit, regulating the terms and conditions upon which aid shall be given to any proposed work either by way of grant or loan: Provided always, that in any case in which they shall think it fit, for special reasons, so to do, the Commissioners of Public Works may, on the recommendation of the Commissioners under this Act, and with the approval of the Lord Lieutenant, take upon themselves the entire cost of the erection of any new pier, or the enlargement or improvement of any existing pier or harbour. The plans and specifications for all such works shall be first approved by the Commissioners under this Act, and be submitted for the approval of the Lord Lieutenant before any such works are undertaken.
- To be expended on fishery piers.

20. All statutes now in force enabling grand juries to secure by presentment any loans or advances made for the erection or improvement of piers or harbours shall be applicable to any loans to be made by the Commissioners of Public Works under this Act; and all the powers conferred upon grand juries by any statute enabling them in that behalf may be exercised in relation to any such loans.
- Grand jury may exercise powers of borrowing.

21. When any loans made under the authority of this Act for the erection of piers or other works, or any portion of such, are repaid to the Commissioners of Public Works, it shall be lawful for them to apply the money so repaid in the same manner as they are hereby authorised to apply the sums to be annually paid to them out of the Consolidated Fund for such purposes; and all moneys so received shall be applied by them for the purposes of carrying this portion of this Act into execution, and for such other purposes connected with this Act as they shall deem fit.
- Loans repaid may be again expended.

22. Notwithstanding anything contained in this Act, it shall be lawful for the Commissioners of Public Works in Ireland to advance or lend money for the construction, erection, or repair of fishery
- Board of Works to advance money.

A.D. 1882.

piers in Ireland in the same manner as if this Act had not been passed; and, with the approbation and consent of the Lord Lieutenant, to advance the same on the recommendation of the Commissioners of Irish Sea Fisheries, to be expended on such works as may be approved by the said last-mentioned Commissioners.

Commissioners to provide a vessel.

23. The Commissioners appointed under this Act shall, as soon after the passing of this Act as may be practicable, provide themselves with such a steam or sailing vessel as may be suitable for the protection of the sea fisheries on the Irish coast, and shall have such vessel manned with an efficient crew of officers and men capable of carrying out such experiments in fishing on the various parts of the coast as may be required by the said Commissioners, and for this purpose the said Commissioners shall provide all necessary fishing gear and appliances for fishing. The officers and crew of such vessel shall have all the powers, authorities, and privileges of sea fishery officers, as if they had been appointed under the Sea Fisheries Act, 1868, and may be at any time removed by the said Commissioners who are hereby authorized to appoint others in their stead.

Provision for salaries and expenses.

24. *The salaries of all officers appointed under this Act, and all expenses incurred by the Commissioners in the execution of this Act, shall be defrayed out of such moneys as Parliament may from time to time for that purpose provide.*

Lords Justices may do acts.

25. All matters and things which by this Act are authorised or required to be done by the Lord Lieutenant shall and may be done by the Lords Justices or other the Chief Governor or Governors of Ireland for the time being.

Interpretation clauses.

26. The words "the Commissioners," when used in this Act, shall mean, unless the context otherwise requires it, the Commissioners of Irish Sea Fisheries appointed under this Act:

"Commissioners of the Treasury" shall mean the Lord High Treasurer or the Commissioners for executing the office of Lord High Treasurer.

Definition of fishings affected by Act.

27. The fishings and fisheries included in and affected by the provisions of this Act are hereby declared to be all fishings for any kind of fish, whether shell fish or otherwise, carried on in any manner or by any means whatever in the deep sea, tidal waters, or estuaries in or adjoining to the coast of Ireland, except the fishings for salmon carried on in the estuaries or other tidal waters under the control of the inspectors of Irish fisheries by virtue of any of the statutes in that case made and provided.